

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:07-CV-00739**

DAVID F. EVANS, *et al.*,

Plaintiffs,

v.

**THE CITY OF DURHAM,
NORTH CAROLINA,
et al.,**

Defendants.

**CITY DEFENDANTS’
SUGGESTION OF
SUBSEQUENTLY DECIDED
AUTHORITY**

NOW COME Defendants the City of Durham, North Carolina, Mark Gottlieb, Benjamin Himan, Patrick Baker, Steven Chalmers, Ronald Hodge, Lee Russ, Beverly Council, Jeff Lamb, Michael Ripberger, and David Addison (collectively, the “City Defendants”), herein by and through their respective counsel of record, and pursuant to LR7.3(i), MDNC, submit this suggestion of subsequently decided authority. The following published cases were decided subsequent to the City Defendants’ filing of their briefs and reply briefs in support of their motions to dismiss (consolidated at Doc. No. 42) and the City Defendants respectfully draw the Court’s attention to them:

Monroe v. City of Charlottesville, 579 F.3d 380 (4th Cir. 2009), and

Francis v. Giacomelli, 588 F.3d 186 (4th Cir. 2009).

Respectfully submitted, this the 7th day of January, 2010.

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CERTIFICATE OF ELECTRONIC FILING AND SERVICE

The undersigned hereby certifies that, pursuant to Rule 5 of the Federal Rules of Civil Procedure and LR5.3 and LR5.4, MDNC, the foregoing pleading, motion, affidavit, notice, or other document/paper has been electronically filed with the Clerk of Court using the CM/ECF system, which system will automatically generate and send a Notice of Electronic Filing (NEF) to the undersigned filing user and registered users of record, and that the Court's electronic records show that each party to this action is represented by at least one registered user of record (or that the party is a registered user of record), to each of whom the NEF will be transmitted.

This the 7th day of January, 2010.

FAISON & GILLESPIE

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